

	<b>Georgia Technology Authority</b>	
<b>Doc Ref Number:</b>	ENT-PROCUREMENT-003-POL	<b>Topical Area: Procurement</b>
<b>Document Type:</b>	Enterprise Policy	<b>Page:</b> 1 of 3
<b>Title:</b>	<b>Vendor Lobbyist Registration Policy</b>	
<b>Effective Date:</b>	12-17-2003	<b>Revision Date:</b> 12-17-2003
<b>POC for Changes:</b>	<b>GTA Acquisition Management Office</b>	
<b>Synopsis:</b>	Policy sets forth Vendor and GTA duties and obligations with respect to Vendor Lobbyist Registration under the Governor's October 1, 2003 Executive Order regarding Vendor Lobbyists. This policy rescinds GTA's former Vendor Lobbyist Registration Policy which required registration with GTA. All registrations are now with through the Georgia State Ethics Commission.	

## PURPOSE

The purpose of this policy is to rescind GTA's current Vendor Lobbyist Registration Policy and establish new requirements for the registration and disclosure of lobbyists employed or retained by vendors. Unless a definition has been specifically set forth in this policy, terms shall have the meanings given in Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia.

## SCOPE

### REGISTRATION AND DISCLOSURE OF LOBBYISTS EMPLOYED OR RETAINED BY VENDORS TO STATE AGENCIES

#### A. DEFINITIONS

(1) 'Lobbyist' shall have the meaning given in O.C.G.A. § 21-5-70(6), and shall also include:

(a) any person who, for compensation, either individually or as an employee of another person, undertakes to influence a public employee or state agency in the selection of a vendor to supply any goods or services to any state agency but does not include a person solely on the basis that such person participates in preparing a written bid, written proposal, bid protest, or other document relating to a potential involvement with or sale to a state agency; or

(b) any natural person who makes a total expenditure of more than \$250.00 in a calendar year, not including the person's own travel, food, lodging expenses, or informational material, to promote or oppose the awarding of a contract to a particular vendor or vendors by any state agency; where the total value of any single contract, including anticipated renewals, exceeds \$50,000 in value or \$100,000 in the aggregate for all contracts the lobbyist promotes or opposes in a calendar year;

<b>Doc Ref Number:</b>	ENT-PROCUREMENT-003-POL	<b>Topical Area: Procurement</b>
<b>Document Type:</b>	Enterprise Policy	<b>Page:</b> 2 of 3
<b>Title:</b>	<b>Vendor Lobbyist Registration Policy</b>	

(2) 'Public employee' shall have the meaning given in O.C.G.A. § 45-1-6(a)(4), but shall additionally include all state elected officials;

(3) 'State Agency' means each state department, agency, board, bureau, office, commission, authority, council, or corporation, by whatever name denominated;

(4) 'Vendor' shall have the meaning given in O.C.G.A. § 45-1-6(a)(5).

(5) 'Contact' means any oral or written communication, including an electronic communication, by a Lobbyist designed to influence a public employee or state agency in the selection of a vendor to supply any goods or services to any state agency through a known or potential contracting opportunity.

#### B. LOBBYIST REGISTRATION AND VENDOR CERTIFICATION

(1) All vendors or prospective vendors who employ or retain one or more lobbyists shall cause such lobbyists to register with the State Ethics Commission and to file the disclosures required by Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated.

(2) Such registration must be made no later than 15 (fifteen) calendar days after the lobbyist's initial Contact with the State Agency or the date that bids or proposals for which the lobbyist is lobbying are due, whichever is earlier. De minimis errors in registration shall be amendable upon good cause shown at any time prior to contract execution, in the sole discretion of the procuring agency. Notwithstanding, failure of a vendor to cause any lobbyist that is not a full-time employee of vendor to register in accordance with this Policy shall not be considered a de minimis error and therefore shall not be considered an amendable defect. The procuring agency shall be the sole arbiter of what constitutes a de minimis error in registration.

(3) Such lobbyist disclosures shall include the name of any vendor or vendors by which the lobbyist is employed or retained, shall identify the contract or contracts for which the lobbyist is lobbying, and shall include a good faith estimate of the total amount of all income to the lobbyist from the vendor (including any payments to the lobbyist by any other person for lobbying activities on behalf of the vendor), other than income for matters that are unrelated to lobbying. Lobbyist disclosures required pursuant to this policy shall be updated with the same frequency as lobbyist disclosures required in Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated.

(4) All vendors or prospective vendors shall certify, as part of any response to a request for proposals or bids or other procurement method that any lobbyist whom the vendor or prospective vendor employs or retains has registered with the State Ethics Commission and complied with the requirements of this policy.

(5) The registrations and disclosures required pursuant to this policy shall be considered "information voluntarily supplied" to the State Ethics Commission by such vendors under O.C.G.A. § 21-5-6(b)(3), so that the State Ethics Commission may perform its duty to accept and file such information.

<b>Doc Ref Number:</b>	ENT-PROCUREMENT-003-POL	<b>Topical Area: Procurement</b>
<b>Document Type:</b>	Enterprise Policy	<b>Page:</b> 3 of 3
<b>Title:</b>	<b>Vendor Lobbyist Registration Policy</b>	

(6) The registrations and disclosures required pursuant to this policy shall be in addition to any reports required under O.C.G.A. § 45-1-6. Compliance with this policy shall not excuse noncompliance with that Code section, and compliance with that Code section shall not excuse noncompliance with this policy, notwithstanding that in some cases the same information may be required to be disclosed under both.

(7) In accordance with O.C.G.A. §§ 45-12-130, -131 and other applicable law, the Georgia Technology Authority (or where procurement authority has been delegated, the state agency delegated such authority, i.e. "the procuring agency"), along with the Office of Planning and Budget, shall decline to approve any contract with any vendor that has failed to comply with this policy.

(8) If a contract is awarded but it is subsequently discovered that awarded vendor or its lobbyists have made an inaccurate certification pursuant to this policy, such contract shall be voidable at the sole discretion of the agency that is a party to the contract.

(9) Vendor shall cause the disclosure(s) filed with State Ethics Commission to remain current and up to date until the procurement is concluded (i.e. a final contract award is made; the procurement is cancelled or otherwise terminated; the vendor's proposal or bid is rejected or disqualified; or, the lobbyist is no longer retained or employed by the vendor) by requiring its lobbyists to supplement and update their registrations as follows: Lobbyists must file a supplemental registration to update substantial or material changes or additions to the lobbyist information already on file with the State Ethics Commission within fifteen (15) calendar days of such changes occurring.